

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:	:	Chapter 11
Circuit City Stores, Inc., et al.,	:	Case No. 08-35653 (KRH)
Debtors.	:	

**OPPOSITION OF RBS BUSINESS CAPITAL TO
DEBTORS' SEVENTIETH OMNIBUS OBJECTION TO CLAIMS**

COMES NOW RBS Business Capital (“RBS”), by the undersigned counsel, and for its response to *Debtors’ Seventieth Omnibus Objection to Claims (Disallowance of Certain (I) No Liability (Legal Claims); (II) No Liability (Satisfied Claims); (III) No Liability (Human Resources Claims); and (IV) No Liability (Miscellaneous Claims)* (the “Response”), states as follows:

1. The Debtors and Debtors-in-Possession in the above-captioned cases (collectively the “Debtors”) have filed a Seventieth Omnibus Objection to Claims for the disallowance of certain claims, including the claim of RBS. The claim of RBS was a letter sent to the Debtor’s claims agent, in which RBS advised that RBS was assigned the claims of SmartParts, Inc. (“SmartParts”). The claim of SmartParts is claim no. 1707. The letter RBS sent to the claims agent advising of the assignment of SmartParts’ claim to RBS was, itself, docketed as a claim, and assigned claim number 14601 (the “Claim”).

2. The Debtors have objected to the Claim apparently based on the fact that the Claim is made by a party other than SmartParts.

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3. SmartParts made, executed and delivered to RBS a written Security Agreement dated September 4, 2007 (the "Security Agreement") in which SmartParts granted RBS a security interest in: (a) all Accounts, Chattel Paper, Documents, Instruments and Contracts; (b) all Inventory, Equipment, Fixtures, and other Goods; (c) all Letter of Credit Rights and Supporting Obligations; (d) all General Intangibles, Trademarks, Patents, Copyrights and Trade Secrets; (e) all Cash, Deposit Accounts, and Investment Property; and (f) all Proceeds and products of the items described in Section 2(a) of the Security Agreement (hereinafter "the Collateral"). A true and correct copy of the Security Agreement is attached hereto as **Exhibit A**.

4. By letter dated April 14, 2009 from RBS to the Debtors (the "Letter"), and enforcing its rights under the Security Agreement, RBS demanded payment from the Debtors directly to RBS for payments due from the Debtors to SmartParts. A true and correct copy of the Letter is attached hereto as **Exhibit B**. RBS thus asserts its Claim in this Court pursuant to this assignment.

5. The person with personal knowledge of the relevant facts to support this Response is John R. O'Keefe, Esquire, Metz Lewis LLC, 11 Stanwix Street, 18th Floor, Pittsburgh, PA 15222, telephone number: 412-918-1150.

WHEREFORE, RBS Business Capital respectfully request the Court to enter an Order dismissing this Objection to the Claim and granting such other and further relief as the Court deems appropriate.

[Signature appears on following page]

Respectfully Submitted,

RBS BUSINESS CAPITAL

By Counsel

/s/ William A. Gray

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April, 2010, a true and accurate copy of the foregoing was electronically filed with the Clerk of the Bankruptcy Court for the Eastern District of Virginia, Richmond Division, using the CM/ECF system, which thereby caused the above to be served electronically on all registered users of the ECF system that have filed notices of appearance in this matter, and was mailed by U.S. Mail, first class, postage prepaid, to all persons on the below Service List:

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